

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS LTD,  
et al.,

Plaintiff(s),

vs.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Defendant(s).

Case No. 3:24-cv-00059

MOTION AND APPLICATION OF  
NON-ELIGIBLE ATTORNEY FOR  
PERMISSION TO APPEAR AND  
PARTICIPATE IN THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

To the Honorable Judge of the above-entitled court:

I, David J. Berger , hereby apply for permission to appear and  
(name)  
participate as counsel for UNITED TRIBES OF BRISTOL BAY , Movant ,  
(Name of party) (plaintiff/defendant)  
in the above-entitled cause pursuant to Rule 83.1 of the Local Rules for the United States  
District Court, District of Alaska.

I hereby apply for permission to appear and participate as counsel WITHOUT  
ASSOCIATION of local counsel because [check whichever of the following boxes apply, if  
any]:

- ☒ I am a registered participant in the CM/ECF System for the District of Alaska and consent  
to service by electronic means through the court's CM/ECF System.
- ☐ I have concurrently herewith submitted an application to the Clerk of the Court for  
registration as a participant in the CM/ECF System for the District of Alaska and consent  
to service by electronic means through the court's CM/ECF System.
- ☐ For the reasons set forth in the attached memorandum.

**OR**

I hereby designate Matthew Neil Newman, a member of the Bar of this court,  
(Name)  
who maintains an office at the place within the district, with whom the court and opposing  
counsel may readily communicate regarding conduct of this case.

DATE: May 21, 2024

/s/ David J. Berger

(Signature)

David J. Berger  
(Printed Name)

650 Page Mill Road

(Address)

Palo Alto, CA 94304

(City/State/Zip)

650-493-9300

(Telephone Number)

DBerger@wsgr.com

(e-mail address)

Consent of Local Counsel\*

I hereby consent to the granting of the foregoing application.

DATE: May 21, 2024

/s/ Matthew Neil Newman

(Signature)

Matthew Neil Newman

(Printed Name)

745 W. 4th Avenue, Suite 502

(Address)

Anchorage, Alaska 99501

(City, State, Zip)

907-276-0680

(Telephone)

(\*Member of the Bar of the United States District Court for the District of Alaska)

DECLARATION OF NON-ELIGIBLE ATTORNEY

Full Name: David J. Berger

Business Address: 650 Page Mill Road , Palo Alto, CA 94304  
(Mailing/Street) (City, State, ZIP)

Residence: , Palo Alto, CA 94306  
(Mailing/Street) (City, State, ZIP)

Business Telephone: 650-493-9300 e-mail address: DBerger@wsgr.com

Other Names/Aliases:

Jurisdictions to Which Admitted and year of Admission:

Please see additional page

(Jurisdiction)	(Address)	(Year)
(Jurisdiction)	(Address)	(Year)
(Jurisdiction)	(Address)	(Year)
(Jurisdiction)	(Address)	(Year)

Are you the subject of any pending disciplinary proceeding in any jurisdiction to which admitted?

Yes ☐ No ☒ (If Yes, provide details on a separate attached sheet)

Have you ever been suspended from practice or disbarred in any jurisdiction to which admitted?

Yes ☐ No ☒ (If Yes, provide details on a separate attached sheet)

In accordance with Local Rule 83.1, I certify I have read the District of Alaska local rules by visiting the court's website at <http://www.akd.uscourts.gov> and understand that the practices and procedures of this court may differ from the practices and procedures in the courts to which I am regularly admitted.

A Certificate of Good Standing from a jurisdiction to which I have been admitted is attached.

Pursuant to 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing information is true, correct, and accurate.

Dated: May 21, 2024



(Signature of Applicant)

<b>Jurisdiction</b>	<b>Address</b>	<b>Year of Admission</b>
State Bar of CA	180 Howard Street, SF, CA 94105	1990
State Bar of NY	1 Elk Street, Albany, NY 12207	1988
USDC Northern District of CA	450 Golden Gate Ave., SF, CA 94102	1989
USDC Southern District of CA	333 West Broadway, San Diego, CA 92101	1991
USDC Eastern District of CA	501 I Street, #4200, Sacramento, CA 95814	2004
USDC Central District of CA	350 w. 1 <sup>st</sup> Street, Los Angeles, CA 90012	1999
USDC Southern District of NY	500 Pearl Street, NY, NY 10007	1988
USDC Eastern District of NY	225 Cadman Plaza East, Brooklyn, NY 11201	1988
2 <sup>nd</sup> Circuit Court of Appeal	40 Foley Square, NY, NY 10007	2019
9 <sup>th</sup> Circuit Court of Appeal	95 7 <sup>th</sup> Street, SF, CA 94103	1990
10 <sup>th</sup> Circuit Court of Appeal	1823 Stout Street, Denver, CO 80257	2014
U.S. Court of Appeal, District of Columbia	333 Constitution Avenue, NW, Washington, D.C. 20001	2019



# Supreme Court of California

JORGE E. NAVARRETE  
*Clerk and Executive Officer of the Supreme Court*

## CERTIFICATE OF THE CLERK OF THE SUPREME COURT OF THE STATE OF CALIFORNIA

**DAVID JOEL BERGER**

*I, JORGE E. NAVARRETE, Clerk/Executive Officer of the Supreme Court of the State of California, do hereby certify that DAVID JOEL BERGER, #147645, was on the 20th day of July, 1990 duly admitted to practice as an attorney and counselor at law in all the courts of this state, and is now listed on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court  
on the 21st day of May 2024.*

JORGE E. NAVARRETE  
*Clerk/Executive Officer of the Supreme Court*

By: \_\_\_\_\_

*Robert R. Toy, Senior Deputy Clerk*